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EXAMINER

NEWTON, JARED W

ART UNIT

PAPER NUMBER

3693

NOTIFICATION DATE

DELIVERY MODE

04/29/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/743,744	Applicant(s) MAKIMATTILA, SIMO	
	Examiner JARED W. NEWTON	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This final rejection is in reply to the remarks filed January 15, 2009, by which claims 14, 32, and 40 were amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14, 18, 21, 24-29, 32-35, 37, 40-42, 46, 49, and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,354,405 to Svensson-Hilford et al. (hereafter Svensson-Hilford).

In regard to claim 14, Svensson-Hilford discloses a method for repayment of the investment costs of an elevator for a new elevator installation, said method comprising the steps of:

collecting identifying data of a passenger wanting to use the elevator by reading an access device associated with identifying data of said passenger (e.g. “tokens, tokens with electronic chips, prepayment cards, keys with data carriers with individual data relating to the user, and card or other data carriers with individual data relating to

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the user” col. 3, lines 25-35) with a reader device (“identification device 15”) connected to a control system (“calculation device” 16) for said elevator, wherein said identifying data comprises at least one of a unique identification number, a name, an address, relevant age and health information, and relevant group affiliation or access permission information (see col. 3, lines 25-35);

identifying the passenger based on said identifying data (“identification device 15, which may take the form of, for example, a read/write device, is provided for the purpose of identifying user data and/or means of payment” col. 2, line 67 – col. 3, line 5);

determining the desired destination floor for said passenger (col. 4, lines 45-65; Fig. 4, item S2);

verifying that said passenger is authorized to access said elevator to reach said destination floor wherein elevators said passenger may use and destination floors said passenger may reach using any one of said elevators are determined based on group affiliation, address, or access permission information contained in said identifying data (see col. 4, lines 28-35);

transmitting passenger identification, authorization and desired floor information to said elevator control system for processing (see col. 4, lines 6-27); and

charging said passenger based on said identifying data (see col. 5, line 50 – col. 6, line 14; Fig. 4), wherein said charging comprises: tracking elevator usage by said passenger (see e.g., col. 4, lines 45-65), determining an appropriate billing party based

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on passenger identification (see e.g. col. 4, line 66 – col. 5, line 30), and assessing a usage charge to said passenger, after said determining and said verifying steps, based on factors including at least one of frequency of use, length of elevator ride, time and date of use, number of rides, relevant passenger affiliation, passenger age or health information, passenger address, and direction of elevator travel such that repayment costs are distributed amongst elevator users on a passenger-specific basis (see col. 4, lines 45-65; col. 5, line 30 – col. 6, line 14).

In regard to claim 18, Svensson-Hilford further discloses wherein said access device is an identity card or a personal identification card or a health insurance card or a student card or a driver's license or a party membership card (see col. 3, lines 25-35).

In regard to claim 21, Svensson-Hilford further discloses that each passenger is charged a different sum for the use of said elevator based at least on the desired destination floor of each passenger (see col. 4, lines 45-65).

In regard to claim 24, Svensson-Hilford further discloses said passenger type information further comprising at least one of group affiliation, access level, address and unique passenger identifier (see col. 3, lines 25-35).

In regard to claim 25, Svensson-Hilford further discloses that said reader device is installed inside of said elevator (see col. 2, lines 65-67).

In regard to claim 26, Svensson-Hilford further discloses that the times of use of an elevator by a passenger are registered separately for each passenger by said reader device (see SUMMARY OF INVENTION).

In regard to claim 27, Svensson-Hilford further discloses that said reader device is connected to a floor selection device, allowing said passenger to call an elevator by properly interacting with said reader device, causing the elevator control system to allow the selection of a destination floor in accordance with said passenger's identifying data (see col. 2, lines 30-61).

In regard to claim 28, Svensson-Hilford further discloses that said reader device is installed in an elevator lobby ("Floor E0" see col. 2, lines 65-67).

In regard to claim 29, Svensson-Hilford further discloses that said reader device is connected to an elevator call device, allowing a passenger to call an elevator by properly interacting with said reader device, causing the elevator control system to issue an elevator call in accordance with said identifying data (see FIG. 2; col. 2, lines 30-61).

Claims 32 and 40 are rejected as anticipated by Svensson-Hilford as applied above. Svensson-Hilford discloses the method set forth and an access device and system for implementing the method, wherein said access device and system distribute the costs thereby shortening the time period for full repayment of elevator investment costs.

In regard to claims 33 and 34, Svensson-Hilford further discloses said data storage unit comprising personal data and an optically readable sequence of symbols (see above rejections).

In regard to claim 35, Svensson-Hilford further discloses said reader interaction unit comprising an optically readable sequence of symbols (see above rejections).

In regard to claim 37, Svensson-Hilford further discloses a computer memory device ("database").

In regard to claim 41, Svensson-Hilford further discloses charges being incurred when a user reaches an accessible floor (see above rejections).

In regard to claim 42, Svensson-Hilford further discloses charges based on the calling of an elevator (see above rejections).

In regard to claim 46, Svensson-Hilford further discloses said access device comprising an optically readable sequence of symbols (see above rejections).

In regard to claims 49 and 50, Svensson-Hilford further discloses storage of passenger billing information (see col. 5, lines 16-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-17, 19, 20, 22-23, 36, 38, 39, 43-45, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svensson-Hilford as applied above, alone.

In regard to claims 15-17, 19, 20, 36, 38, 43-45, 47, and 48 Svensson-Hilford discloses all of the limitations of claims 14, 32 and 40 but does not expressly disclose

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that said access device comprises radio-frequency identification, a magnetic strip with personal encoded data, an optically readable access code affixed to a surface, an electronically readable sticker, or Bluetooth. However, the Examiner takes official notice that at the time of the invention, it was well known in the art of electronic communication and identification to use radio-frequency identification, magnetic strips with personal encoded data, optically readable access codes affixed to surfaces, electronically readable stickers, and Bluetooth as a means for identifying a person or thing with a reader device such as the reader device disclosed by Svensson-Hilford. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the various identification methods listed above to identify a passenger in the elevator system with the reader device disclosed by Svensson-Hilford. The motivation for using the various identification techniques would be to provide access devices that are unique to the individual using the device, simple to use, and difficult to copy.

In regard to claims 22, 23, and 39 Svensson-Hilford discloses the limitations of claim 14 as set forth above and further discloses the collection of statistical data regarding the use of said elevator, said statistical data comprising date, time, travel distance, travel direction, currency and balance information and passenger type information. Svensson-Hilford fails to disclose explicitly the collection of passenger group affiliation and health and age data and the use of that data to determine different sums charged. The Examiner takes official notice that at the time of the invention, it was well known to gather customer or payer data related to age and/or health in order to provide customers/payers with a discount when they meet certain criteria, for example a

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"senior discount." Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the data gathering system of Svensson-Hilford to gather data related to passenger/payer age and/or health and further to use that information in the calculation of prices, for the purpose of providing a discount to passengers meeting certain criteria. The motivation for doing so would be to incentivize the use of the elevator system.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Svensson-Hilford as applied to claim 14 above, and further in view of US Patent No. 6,704,039 to Pena.

In regard to claim 30, Svensson-Hilford discloses the limitations of claim 14 as set forth above, but does not explicitly disclose said access device being capable of allowing said passenger to access and pay for travel on other means of transport such as public transportation systems, taxis, trains, ships, airplanes, and other similar modes of transportation. Pena discloses a network-based telecom system that allows users to conduct diverse financial transactions, such as the purchase of transportation (see SUMMARY OF INVENTION). Pena further teaches the benefit of providing the system in diverse locations to facilitate ease of use by customers. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the system of Pena within the system of Svensson-Hilford in order to provide the elevator users with the convenience of performing various financial transactions within one location.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Svensson-Hilford as applied to claim 14 above, and further in view of US Patent No. 6,205,433 to Boesch et al.

In regard to claim 31, Svensson-Hilford discloses the limitations of claim 14 but fails to disclose explicitly that said reader device determines an appropriate currency in which to charge said passenger based on said passenger's identifying information. Boesch et al. disclose a system and method for multi-currency transactions wherein the appropriate currency to charge a customer is determined as a function of that customer's identifying data (see abstract). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the currency determination taught by Boesch et al. to the system of Svensson-Hilford to enable international customers to use and be charged for their use of the elevator system.

Response to Arguments

In view of the Amendments filed January 15, 2009, the Claim Rejections under 35 U.S.C. 112 set forth in the Office Action mailed October 17, 2008 are hereby withdrawn.

Conclusion

Applicant's amendment on January 14, 2008 necessitated the new ground(s) of rejection presented in this Office action. The first action on the merits was October 15, 2007. In response, Applicant canceled claims 2-13 and added claims 14-15 on January

14, 2008. The Examiner responded with a Non-Final Rejection on April 17, 2008 by which claims 14-50 were rejected under 35 USC 112 and claim 1 was rejected under 35 USC 102. In response, Applicant canceled claim 1 and argued the rejections under section 112 were improper on June 25, 2008. The Examiner agreed that the previously set forth rejections under section 112 were improper and mailed a Non-Final rejection withdrawing those rejections and setting forth new rejections under the same section on October 17, 2008. Applicant amended the claims to overcome the rejections based on section 112 on January 15, 2009. This Action responds to those amendments and rejects claims 14-50, which were originally included on January 14, 2008.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JARED W. NEWTON whose telephone number is (571)272-2952. The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

/J. W. N./
for Jared Newton, Examiner of Art Unit 3693